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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,516	09/18/2001	Volker Luegger	112740-305	8549

29177 7590 04/29/2005  
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EXAMINER

AGDEPPA, HECTOR A

ART UNIT PAPER NUMBER

2642

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,516

Applicant(s)

LUEGGER ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/18/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the data processing device" in line 25. There is insufficient antecedent basis for this limitation in the claim.

The only reference made to a data processing device beforehand is a "central" data processing device.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 5, 11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,825,870 (Miloslavsky).

As to claim 1, Miloslavsky teaches at least one customer call center 104 and 108, and station 180, each reading on the claimed communication device, at least one

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network provider call center 102, read as the claimed central data processing device / server, all connected either by telephone links 106, 109, or 186, and data networks 140 and 166 via data links 172, 174, and 188. Moreover, Miloslavsky teaches accessing overlapping data stored in either a central stats database 134, database 138 by either call centers 104, 108, 180, and related applications such as ACD call routing, predictive dialing, historical data statistics and routing, relevant customer information display for agents, etc. (Fig. 1, Abstract, Col. 1, lines 30 – 40, Col. 1, line 66 – Col. 2, line 6, Col. 2, lines 41 – 50, Col. 3, lines 19 – 50, Col. 3, line 62 – Col. 4, line 40, Col. 6, lines 1 – 13)

As to claim 2, see the rejection of claim 1 and note that either the stats database 134 or database 138 are centralized. (Col. 2, lines 41 – 50)

As to claim 3, see again the rejection of claim 1. Note that the purpose of the databases, like any database would be to access it when utilizing the data stored therein is desired.

As to claim 4, the centralized databases discussed above can be located in the network call center 102, read as the claimed central processing device / server. (Fig. 1)

As to claim 5, Miloslavsky teaches the use of a computer telephony integration (CTI) server 132 which acts as an interface / bridge to the databases, read as the claimed first central access device. (Col. 4, lines 24 – 46)

As to claim 11, Miloslavsky teaches that stat server 134 contains data relating to the relevant activities of the CTI system 112 and therefore, the operation of the network provider call center / central data processing device 102. Therefore, stat server 134 reads on the claimed local database. (Col. 4, lines 24 – 31)

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As to claim 14, Miloslavsky teaches that the customer call center / communication device 104 for example, may be a "private" branch exchange (PBX 152). (Fig. 1, Col. 3, lines 51 – 61)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 6 – 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,825,870 (Miloslavsky).

As to claim 6, Miloslavsky has been discussed above. What Miloslavsky does note explicitly teach is having a first local access device located in at least one communication device.

However, Miloslavsky teaches that the CTI server 132 may be co-located with the above-discussed databases at the network provider call center 102, or may be co-located with or separately from the databases. This inherently or at the least obviously contemplates a situation wherein at least the CTI server 132 is located at a communication device / customer call center 104, 108, and / or individual station 180. Therefore, at the least, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have located the CTI server 132 / first local access device in a communication device. Note that when CTI server 132 is located at the network provider call center / central data processing device, it may be referred to as a "central" access device, and when located at a customer call center, it may be referred to as a "local" access device since it is no longer located at the central data processing device.

As to claims 7 - 9, see the rejection of claim 6 and note that Miloslavsky teaches that the databases 134 and 138 may also be geographically separated and located just like the above-discussed CTI server 132. Therefore, the same reasoning used in the rejection of claim 6 is applicable here as well.

Note that the first central and local access devices discussed above can be the same central and local access devices, now referred to as "second" devices inasmuch as the claim structure suggests that the renaming of such devices is merely a result of

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claiming another embodiment wherein the central database is located at a communication device instead of the central processing device.

As to claim 10, encapsulation of database data is inherent or at the least notoriously well-known and obvious. This is merely a standard method of providing database connectivity and therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have encapsulated the database. Examples of such well-known encapsulation schemes are Common Object Request Broker Architecture (CORBA), Context Organized Memories (COM), and Active-X.

As to claim 12, see the rejections of claims 6 and 7 and note that routing server 136, which operates on the data stored in database 138 which contains information, for example, on agents in customer call centers 104 or 108, or station 180, or database 138 itself, reads on the claimed local database for storing information relating to the operation of the communication device. This is because routing server 136 for example, decides how to route a call to an agent, i.e., operation of the customer call center / communication device 104. (Col. 4, lines 24 – 40)

Again, as discussed in the rejections of claims 6 and 7, the databases may be located at the customer call centers or stations.

As to claim 13, Miloslavsky has been discussed above. What Miloslavsky does not teach is an IP-oriented network.

However, as already discussed above, the networks are data networks, and it is notoriously old and well-known for data networks, especially those used in environments such as those discussed here, are IP-oriented. IP networks are

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becoming if not already a highly preferred if not standard data network. Therefore, it would have been obvious if not inherent for one of ordinary skill in the art at the time the invention was made to have used an IP-oriented implementation for the data network already taught by Miloslavsky.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4,797,911 (Szlami et al.) teaches a customer account online servicing system. US 5,546,452 (Andrews et al.) teaches a communications system using a central controller to control at least one network and remote agent systems. US 5,742,675 (Kilander et al.) teaches a method and apparatus for automatically distributing calls to available logged-in call handling agents which may be remotely located. US 6,493,446 (Cherry) teaches a call center posting program wherein remote agents are used. US 6,587,557 (Smith) teaches a system and method of distributing outbound telephony services over a computer network.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa  
Examiner  
Art Unit 2642

H.A.A.  
April 22, 2005

**HECTOR A. AGDEPPA**  
**PATENT EXAMINER**

A handwritten signature in black ink, appearing to be 'H.A. Agdeppa', written over the printed name and title.